

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

ORIGINAL

In The Matter of )

Implementation of the Subscriber Carrier )  
Selection Change Provisions of the )  
Telecommunications Act of 1996 )

TruCom Corporation and )  
BridgeCom International, Inc. Joint )  
Petition for Limited Waiver )

CC Docket No. 94-129

**JOINT PETITION FOR LIMITED WAIVER**

TruCom Corporation ("TruCom") and BridgeCom International, Inc. ("BridgeCom") (collectively, "Petitioners"), through undersigned counsel and pursuant to Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, hereby request a waiver of the authorization and verification requirements of the Commission's rules, 47 C.F.R. §§ 64.1100 - 64.1190, to the extent necessary to enable TruCom to transfer to BridgeCom the customers currently presubscribed to TruCom's local and interexchange services without first obtaining each customer's authorization for such transfer. As Petitioners will demonstrate below, good cause exists for grant of the limited waiver they seek herein. Petitioners respectfully request expedited treatment of this Petition to enable timely consummation of the transaction involving both TruCom and BridgeCom.

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List A B C D E

TruCom is authorized by the Commission to provide global international facilities-based and resale services<sup>1</sup>. BridgeCom currently provides international service pursuant to authority granted in File No. ITC-214-19971020-00645 (effective December 5, 1997). Both BridgeCom and TruCom are also authorized to provide interexchange and/or local exchange telecommunications services in the states of New York, New Jersey, and Pennsylvania where the customers which are the subject of the instant request are located.

As more fully described in the Joint Application of the parties for Transfer of Control of TruCom to BridgeCom, filed concurrently herewith,<sup>2</sup> BridgeCom and TruCom have entered into an Agreement and Plan of Merger pursuant to which control of TruCom will be transferred to BridgeCom by means of a multi-faceted transaction following the consummation of which BridgeCom and TruCom will be wholly-owned subsidiaries of a newly-formed holding majority owned by the current shareholders of BridgeCom. This transfer of control will allow the two companies to take advantage of certain economies of scope and scale ordinarily available only to a larger overall telecommunications operation. In order to further enhance their abilities to serve existing and future customers, BridgeCom and TruCom desire to reorganize their respective operations with the result, among other things, TruCom's present telecommunications customers will be served by BridgeCom on a forward-looking basis. Given the significant number of customers involved, it is unlikely that BridgeCom could obtain prior authorization from each customer in a

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<sup>1</sup> File No. ITC-214-19971104-00683 (effective December 26, 1997).

<sup>2</sup> In the Matter of TruCom Corporation, BridgeCom International, Inc. Joint Application for Consent to Transfer of Control Pursuant to Section 214 of the Communications Act of 1934, as amended, Filed Nos. ITC-214-19971104-00683, ITC-214-19971020-00645, filed January 12, 2001.

fashion timely enough to allow for the seamless transfer of such customers upon consummation of BridgeCom's acquisition of TruCom.

In accordance with Section 1.3 of the Commission's Rules, the Commission may waive any of its rules for "good cause shown." The Commission has deemed waiver of a rule appropriate "where the particular facts make strict compliance inconsistent with the public interest," taking into account "considerations of hardship, equity, or more effective implementation of overall policy on an individual basis."<sup>3</sup> Petitioners submit that the "special circumstances" presented here "warrant deviation from the general rule," particularly given that "such . . . deviation will serve the public interest."<sup>4</sup>

Petitioners submit that grant of this Petition would serve the public interest by rendering the transfer of TruCom's telecommunications operations transparent to TruCom's presubscribed customers. Following transfer of the customers to BridgeCom, BridgeCom will continue to provide the transferred customers with services identical to those currently provided by TruCom under the same terms and conditions, as well as the same (or lower) rates and charges. It is the intent of TruCom and BridgeCom to provide for a seamless, but fully informed, transition.<sup>5</sup>

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<sup>3</sup> Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 (Order), CC Docket No. 94-129, DA 00-1097, ¶ 4 (released May 19, 2000).

<sup>4</sup> Id.

<sup>5</sup> Although neither it nor TruCom is aware of any outstanding customer complaints regarding services provided by TruCom, BridgeCom commits to work with TruCom to investigate and resolve any such complaints.

To this end, a notice substantially in the form of Exhibit 1, attached hereto, will be sent to all of TruCom's presubscribed customers prior to transfer of the customers to BridgeCom.<sup>6</sup>

In the absence of the requested waiver, TruCom and BridgeCom fear that some customers may experience service disruptions, or at the very least, will be precluded from participating in the competitive benefits which would otherwise flow from a more expeditious transfer to BridgeCom. In all likelihood, many customers will not respond to requests for new letters of agency ("LOA"), either because correspondence will be lost or not read or understood. BridgeCom will not be able to serve such customers without valid LOAs, leading to service disruption and customer inconvenience. The Commission has previously found that "a waiver of the Commission's carrier change rules and orders is [justified where] necessary to provide a seamless transition with no disruption of service to the transferred customers," particularly where the carriers seeking the waiver will fully "notify the affected customers of the proposed transaction."<sup>7</sup>

By reason of the foregoing, Petitioners respectfully request that the Commission grant a waiver of the Commission's authorization and verification requirements to the extent necessary

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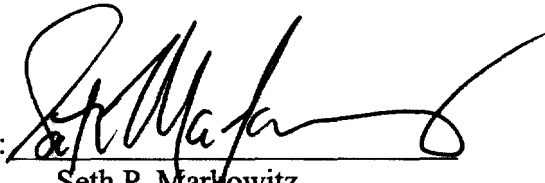
<sup>6</sup> As set forth on Exhibit 1, the customers being transferred will be advised of the transaction, and be provided a toll free number to call with any questions. Because the customer service department will remain the same, the toll free number will also remain the same. Customers will also be assured that no charges will be assessed as a result of their transfer and informed of their right to select another service provider.

<sup>7</sup> Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 (Order), CC Docket No. 94-129, DA 00-1097 at ¶¶ 5 - 7; Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 (Order), CC Docket No. 94-129, DA 00-986, ¶¶ 5 - 7 (released May 3, 2000).

to enable TruCom to transfer to BridgeCom the customers presubscribed to TruCom's local and long distance services without first obtaining each customer's authorization.

Respectfully submitted,


**TruCom Corporation**

By:   
Seth P. Markowitz  
Markowitz & Roshco, LLP  
530 Fifth Avenue – 23<sup>rd</sup> Floor  
New York, New York 10036

Its Attorneys

Dated: January 12, 2001

**BridgeCom International, Inc.**

By:   
Catherine M. Hannan  
Hunter Communications Law Group  
1620 I Street, N.W., Suite 701  
Washington, D.C. 20006

Its Attorneys

## **EXHIBIT 1**

Dear Customer:

Thank you for utilizing telephone service provided by TruCom Corporation. It has been a pleasure serving you. TruCom Corporation values each and every one of its customer relationships.

I am writing to tell you about an exciting development. TruCom will soon be joining together with BridgeCom International, Inc., a provider of premier quality local and long distance services in the Tri-State area. This business combination will result in a stronger, more diversified company, enhancing telecommunications services presently available to you. BridgeCom International will provide you with the same services you currently receive from TruCom Corporation at the same rates, and you will continue to have access to the same customer service representatives, at the same telephone numbers and contact points; additional customer service personnel will now be available to you as well.

Please be assured that no charges will be assessed on you as a result of the transfer of your account to BridgeCom International. Moreover, if you are dissatisfied with the service provided by BridgeCom International for any reason and notify BridgeCom International within 30 days following its initiation of service to you, BridgeCom International will reimburse you for any carrier charges assessed by your local service provider to switch to another carrier.

If you have any questions regarding BridgeCom International, please feel free to call 1-800-\_\_\_\_-\_\_\_\_ and we will be happy to answer them.

We at TruCom Corporation thank you again for your patronage and we at BridgeCom International look forward to serving you in the future.

## **EXHIBIT 2**

Dear Customer:

We are pleased to welcome you as a BridgeCom International, Inc. customer. As described in an earlier notice, as part of TruCom's business combination with BridgeCom International, your account has been transferred from TruCom Corporation to BridgeCom International, Inc., and your service is the same high-quality service you received from TruCom.

We sincerely hope that you will stay with us at BridgeCom International, however, if you are dissatisfied with the service we provide for any reason and notify us within 30 days of your receipt of this notice, we will reimburse you for any carrier charges assessed by your service provider to switch to another carrier.

Again, welcome to BridgeCom International. We look forward to serving you. If you have any questions regarding BridgeCom International, please feel free to call 1-800-\_\_\_\_-\_\_\_\_ and we will be happy to answer them.

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

STATE OF NEW YORK                    )  
  ) ss.  
COUNTY OF NEW YORK                )

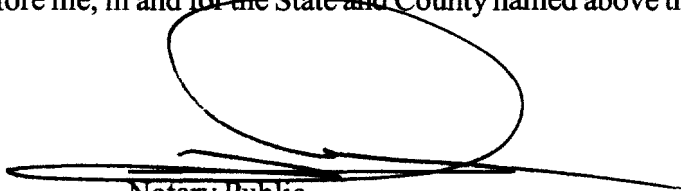
**VERIFICATION**

I, Evan Michaels, President of TruCom Corporation, am authorized to make this verification on behalf of TruCom Corporation. The statements made in the foregoing document are true, complete, and correct to the best of my knowledge and are made in good faith.

**TruCom Corporation**

By:   
Evan Michaels  
President

Subscribed and sworn to before me, in and for the State and County named above this  
10 day of Jan, 2001.

  
Notary Public

My Commission expires

DANIEL S. ROSHCO  
Notary Public, State of New York  
No. 02R05048670  
Qualified in New York County  
Commission Expires Aug. 28, 1997

  
2001



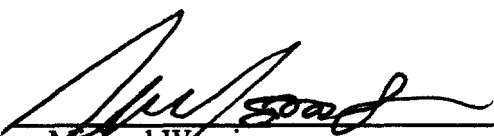
**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**STATE OF NEW YORK                    )**  
**)**                   **ss.**  
**COUNTY OF WESTCHESTER        )**

**VERIFICATION**

I, Michael Weprin, President of BridgeCom International, Inc., am authorized to make this verification on behalf of BridgeCom International, Inc. I declare under penalty of perjury that the statements made in the foregoing document are true, complete, and correct to the best of my knowledge and are made in good faith.

**BridgeCom International, Inc.**

By:   
Michael Weprin  
President

**Dated:** January 11, 2001